



# PUBLIC NOTICE



US Army  
Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-RMS(US STEEL CORP/BROOKFIELD  
HOMES/BULKHEAD, REVETMENT, PIERS, RD  
XINGS, BRIDGE)05-62503-19

Maryland Department  
of  
the Environment

*PN-1668*

Comment Period: December 8, 2006 to January 25, 2007

THE PURPOSE OF THIS JOINT PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

A joint U.S. Army Corps of Engineers and the Maryland Department of the Environment public hearing will be held January 10, 2007, at the Charles County Government Auditorium, 200 Baltimore Street, in La Plata, Maryland. Displays may be viewed beginning at 6pm. The hearing will start at 7:00 p.m. Persons wishing to give oral testimony are encouraged to arrive at the hearing site early to sign up at the sign-in table. Anyone who is hearing impaired and desires to attend this hearing, please notify Mr. Steven Harman at (410) 962-6082 or e-mail him at [steve.harman@usace.army.mil](mailto:steve.harman@usace.army.mil). All requests for an oral, sign language interpreter must be received by December 26, 2006. To the extent that this is feasible and possible, an interpreter will be provided. By regulation (33 CFR 327.8), the Corps will not provide rebuttal to the public hearing testimony. Oral comments will be limited to three minutes duration. Additional comments may be submitted in written form. All oral testimony will be recorded and a transcript prepared.

The Baltimore District and the Maryland Department of the Environment have received an application for a Department of the Army permit pursuant to Section 10 of the River and Harbor Act of 1899, Section 404, Section 401 of the Clean Water Act, and State authorization pursuant to the Tidal Wetlands Act and /or Non-Tidal Wetlands Protection Act, as described below.

Applicant                    U.S. Steel Corporation/Brookfield Homes, LLC  
                                  c/o Mr. Milt McCarthy  
                                  McCarthy & Associates, Inc.  
                                  14458 Old Mill Road, #201  
                                  Upper Marlboro, MD 20772

Location:    In tidal and non-tidal wetlands and tidal open water of the Potomac River, Cuckold Creek, Weir Creek, and Mathews Cove at Swan Point, Issue, Charles County, Maryland.

Proposed Work:    The applicants propose in accordance with the attached plans to develop a Waterfront Planned Community on 897 acres of land. The work includes construction of a 219 slip commercial marina, residential and recreational development, conference center, infrastructure roads, residential piers, and shore erosion control structures along the Potomac River. The proposed marina is (1) 10' by 10' platform; a 10' by 431' island access pier; and 323 mooring piles. Approximately 11,000 cubic yards of sand, silt and clay will be mechanically/hydraulically dredged and deposited at an existing, approved upland dredge disposal site on the property. No dredging will occur within existing documented Submerged Aquatic Vegetation.

The proposed work includes the construction of a 219-slip commercial marina complex, including dredging portions of the marina to a depth of minus 6.0 feet below MLW. The marina will consist of (1) a 10' by 400' "A" Dock with 4- 3' by 20' finger piers; (2) an 8' by 149' "B" Dock with 8' by 78' "T"-Head, including a 78' wave break and 7-3' x 20 finger piers; (3) a 10'

by 148' "C" Dock, including 310' wave break and 3-3' by 20' finger piers; (4) a 24' by 60' Fuel Dock with 7 bumper piles, wave break fuel pumps, sewage pumpout and 10' by 18' shelter; (5) an 8' by 594' "D" Dock with 8' by 48' "L" Head, including 602' wave break and 14- 3' by 20' finger piers; (6) an 8' by 554' "E" Dock with 8' by 78' "T" Head, including 78' wave break and 29- 3' by 20' finger piers; (7) an 8' by 545' "F" Dock with 8' by 68' "T" Head, including 68' wave break and 32-3' by 20' finger piers; (8) an 8' by 545' "G" Dock with 8' by 38' "L" Head, and 16-3' by 20' finger piers; (9) a 640' by 10' Marina Access Pier with 1-10' by 10' platform; (10) 10' by 431' island access pier; and (11) 323 mooring piles. Approximately 11,000 cubic yards of sand, silt and clay will be mechanically/ hydraulically dredged and deposited at an existing, approved upland dredge disposal site on the property. No dredging will occur within existing documented SAV beds. The marina is proposed in Cuckold Creek at a maximum of 595 feet channelward of the Mean High Water shoreline, which equates to approximately half the width of Cuckold Creek.

The second component is to stabilize approximately 12,000 linear feet of the Swan Point shoreline along the Potomac River by constructing beach nourishment with marsh plantings, stone breakwaters, and a stone oyster reef. The applicant proposes to place approximately 12,320 cubic yards of rock and 48,747 cubic yards of sand below the MHW line in order to create 614,560 square feet (14.1 acres) of vegetated tidal wetlands and a 63,000 square foot (1.4-acre) oyster bar in the Potomac River along the Swan Point shoreline. This work is to take place in the Potomac River no farther than 400 feet channelward of the Mean High Water shoreline.

The third component is to construct observation piers. These observation piers will be located within the Potomac River and will have the following dimensions: (1) 15' by 260'; (2) 12' by 440' with bumpouts; and (3) 8' by 170'. The other three observation piers will be constructed in Cuckold Creek and will have the following dimensions: (1) 8' by 105' with 5' by 18' Americans and Disabilities Act turnaround; (2) 8' by 224' with 12' by 48' "L" Head; and (3) 8' by 400' with 12' by 24' "L" Head.

The fourth component is to construct a transient pier in the Potomac River. The transient pier will be 10' by 175' with a 10' by 30' "L" Head and 160' wave break. No dredging is proposed for the transient pier.

The fifth component is to construct a pile-supported bridge over Weir Creek and its associated wetlands to allow vehicular and pedestrian access to the Weir Creek peninsula which is the site of the conference center. The pile-supported bridge will be approximately 810 feet long by approximately 45 feet wide, with a 28-foot road surface. A 12-foot wide pedestrian path is also proposed on one side of the bridge. The bottom of the bridge will be elevated above the 100-year tidal flood plain to an elevation of approximately 9 feet. Because the bridge will be pile-supported, and because the bottom of the bridge will be set at an elevation of 9 feet, only minor shading impacts of 39,435 square feet impacts are expected to occur to the existing tidal wetland vegetation. Mitigation for proposed shading impacts will be accomplished through the creation of over 14.1 acres of tidal wetlands landward of the proposed off-shore breakwaters along the Potomac River.

The sixth component is to replace 326 linear feet of bulkhead on Cuba Island 18 inches channelward of the existing bulkhead, to be back filled with 130 cubic yards of clean fill material.

Non-tidal wetland impacts for the project include seven (7) road crossings that impact 14,041 square feet of isolated wetlands, 49,318 square feet of adjacent wetlands, and 78,170 square feet of non-tidal wetland buffer. Of the isolated wetlands, 1,016 square feet of palustrine emergent and 13,025 square feet of palustrine, open water, with a palustrine scrub/shrub fringe are to be impacted. Adjacent wetland impacts include 39,501 square feet of palustrine emergent wetland and 9,187 square feet of palustrine, forested wetlands. All non-tidal wetland impacts are for infrastructure roads. Total non-tidal impacts of 63,359 square feet are to be mitigated for by the creation of 88,458 (2.03 Ac) square feet of palustrine forested wetlands at an existing horse farm on-site by the conversion of agricultural field to forested wetlands.

Discharge of storm water is in conjunction with best management practices through existing ponds and conveyances on the golf course with additional discharge points to tidal wetlands

The proposed work is depicted on the attached plan(s). If you have any questions concerning this matter or desire more detailed plans, please contact the COE Project Manager, Mr. Steven Harman, at (410) 962-6082 or the MDE Project Managers, Mr. Robert Tabisz, for tidal wetlands

at (410) 537-3838 or by email at rtabisz@mde.state.md.us and Ms. Judy Cole, for non-tidal wetlands at (410) 537-3769 or by email at Jcole@mde.state.md.us.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH). A detailed EFH has been prepared for this proposed project. A copy has been furnished to the NMFS. The Baltimore District has determined that the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

Comments are being solicited from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers and MDE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the

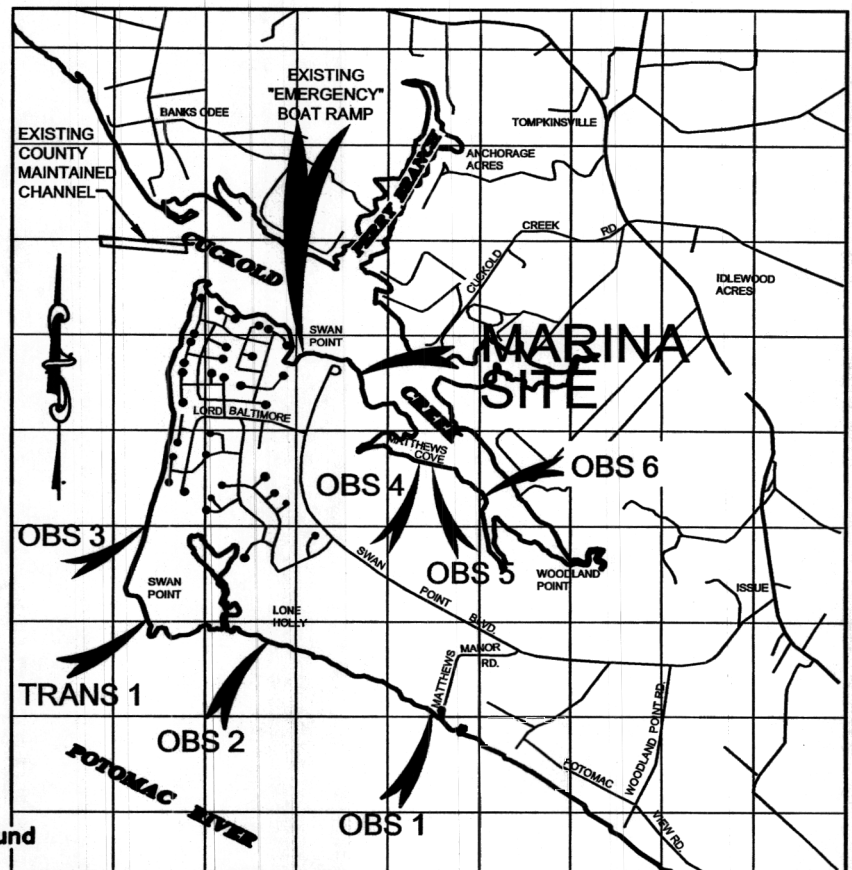
Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 and/or the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Attn: CENAB-OP-R, P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

Written comments concerning the work described above must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments relating to applicability of the MDSPGP may be submitted directly to the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Attn: CENAB-OP-R, P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

## SCOPE OF WORK

- "A" DOCK: 10'x 400',  
4-3'x 20 Finger Piers
- "B" DOCK: 8'x 149', With 8'x 78' "T"Head  
including 78' Wave Break  
7-3'x20' Finger Piers
- "C" DOCK: 10'x 148', including 310' Wave  
Break, 3-3'x20' Finger Piers
- "FUEL DOCK": 24' x 60' With bumper piles (7)  
wave break, fuel pumps, sewage pumpout  
and shelter (10'x18')
- "D" DOCK: 8'x 594', With 8'x 48' "L"Head  
including 602' Wave Break;  
14-3'x20' Finger Piers
- "E" DOCK: 8'x 554', With 8'x 78' "T"Head;  
including 78' Wave Break;  
29-3'x20' Finger Piers
- "F" DOCK: 8'x 545', With 8'x 68' "T"Head;  
including 68' Wave Break; 32-3'x20'  
Finger Piers
- "G" DOCK: 8'x 545' with 8' x 38' "L"Head;  
16-3'x20' Finger Piers
- Marina Access Pier 640'x10',  
w/1-10'x10' Platform
- Island Access Pier 10' x 431'
- Mooring Piles 323
- OBS Pier 1 15'x260' max.
- OBS Pier 2 12'x440' max, with bumpouts
- OBS Pier 3 8'x170' max
- OBS Pier 4 8'x105' max with 5'x18' ADA Turnaround
- OBS Pier 5 8'x224' max with 12'x48' "L"Head
- OBS Pier 6 8'x400' max with 12'x24' "L"Head
- Bulkhead Replacement 326 L.F.
- Bulkhead Backfill: 130cy
- Breakwater: 266 L.F.
- Dredging (Total) 11,000cy
- DMP Outfall pipe: 1
- Transient Pier 1 10'x175' with 10'x30' "L" Head including 170' Wavebreak.



VICINITY MAP

Copyright ADC The Map People  
Permitted Use No. 20405112

## NOTES

- TIDAL RANGE IS 1.6 FEET.
- SOUNDINGS ARE IN FEET & REFER TO MLW DATUM.
- APPROX. 11,000 C.Y. OF SAND, SILT AND CLAY TO BE MECHANICALLY/HYDRAULICALLY DREDGED AND DEPOSITED AT AN UPLAND AREA LOCATED ON-SITE. PROVIDE A MAINTENANCE DREDGING PROVISION IN THE APPROVED PERMITS.
- EXISTING COUNTY MAINTAINED CHANNEL LOCATED AT THE ENTRANCE OF CUCKOLD CREEK (75'x2150') AUTHORIZED TO -6.0' MLW UNDER WETLANDS LICENSE # 03-WL-0874 (R) AND RAMS #200360861.
- SAV AND NON-TIDAL WETLANDS DELINEATIONS OBTAINED FROM DATA PROVIDED BY Mc CARTHY & ASSOC., INC.
- THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

SLIP SUMMARY			
	30'Slips	40'Slips	TOTAL
A	8	-	8
B	9	7	16
C	-	7	7
D	-	29	29
E	33	27	60
F	66	-	66
G	33	-	33
TOTAL	149	70	219

SHEET 1 OF 17

**PROPOSED MARINA  
AND OBSERVATION PIERS**  
IN: CUCKOLD CREEK/POTOMAC RIVER  
AT: SWAN POINT  
CHARLES COUNTY, MARYLAND  
APPL. BY: U.S. STEEL CORP./  
BROOKFIELD HOMES, LLC.

DATE: OCTOBER 2006  
REVISED 12-05-06

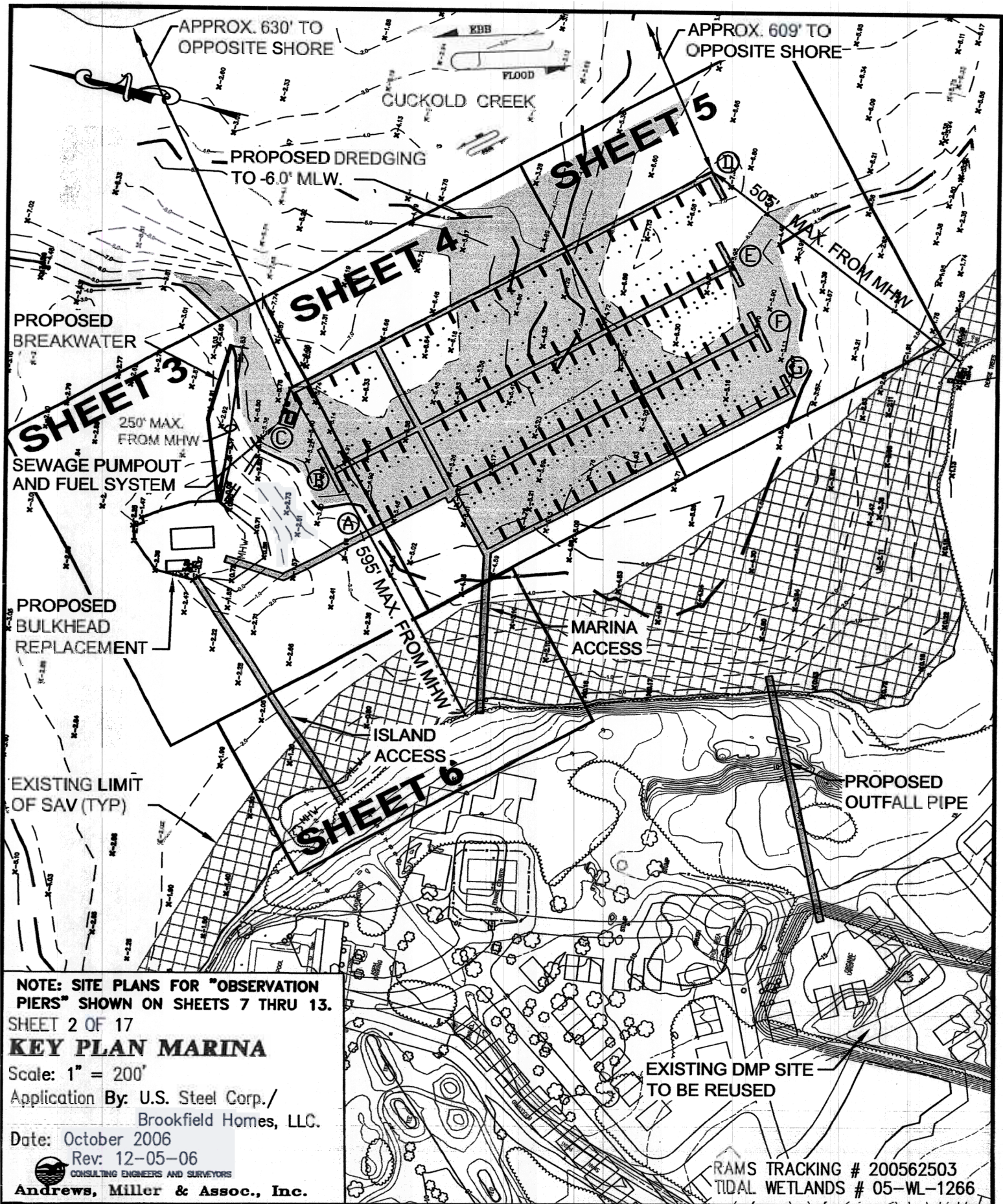


CONSULTING ENGINEERS AND SURVEYORS

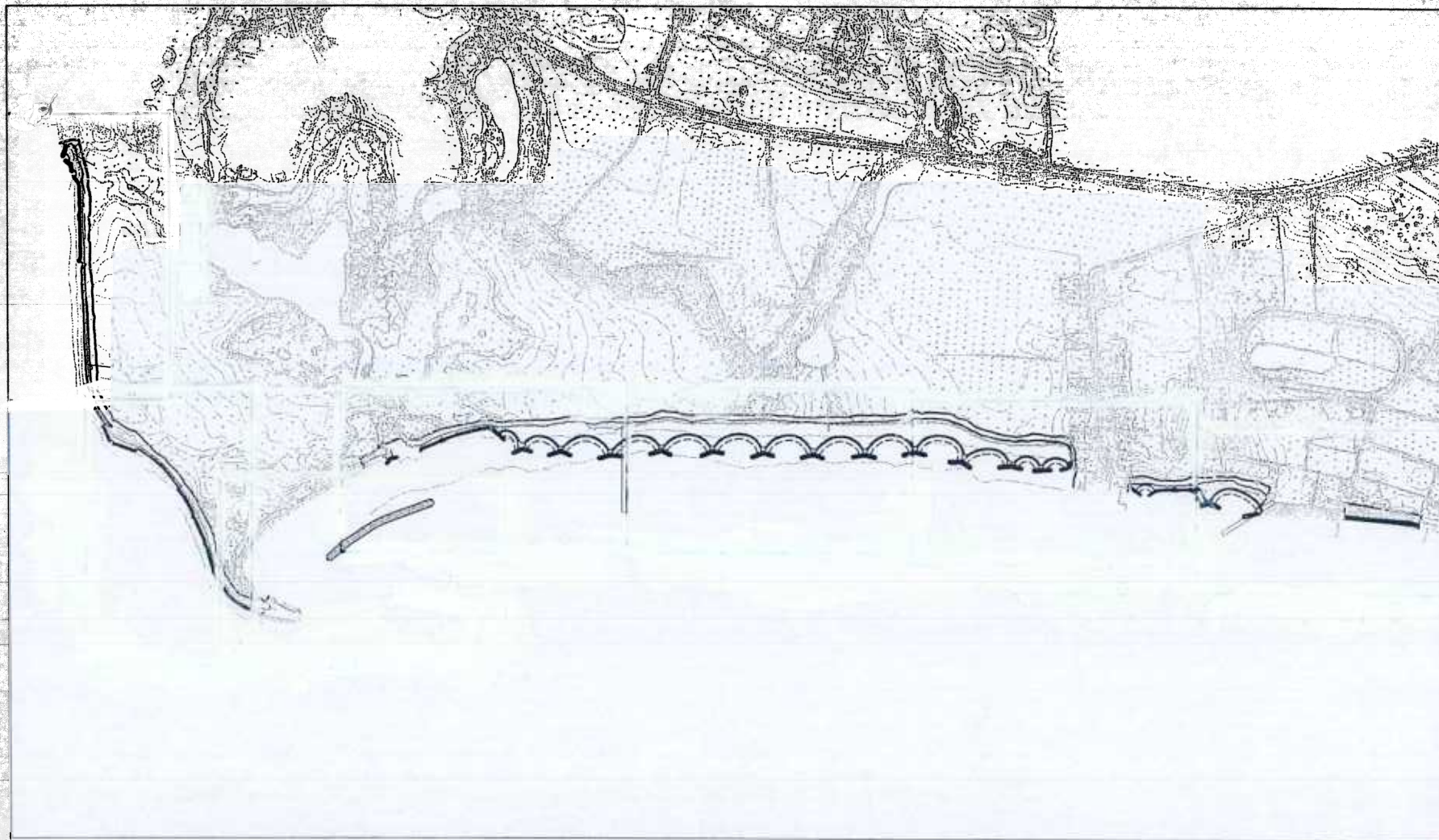
Andrews, Miller & Assoc., Inc.

RAMS TRACKING # 200562503  
TIDAL WETLANDS # 05-WL-1266









**COASTLINE DESIGN, P.C.**



P.O. BOX 157  
ACHILLES, VIRGINIA 23001  
(804) 642-2158

**ADJACENT PROPERTY  
OWNERS:**

**DATUM: MEAN LOW WATER**

## SWAN POINT SHORE PROTECTION PLAN INDEX SHEET

**AT: SWAN POINT**

**IN: CHARLES COUNTY, MARYLAND**

**PURPOSE: EROSION CONTROL**

**RAMS TRACKING No. 200562503**

**APPLICATION BY:**  
BROOKFIELD SWAN POINT LLC.  
U.S. STEEL CORPORATION

**DATE: NOVEMBER, 2006**

**SHEET 2 OF 2**

31526-JPA